



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2019-00563

March 12, 2019

Via email: 70373-49577319@requests.muckrock.com

Matthew Topic
MuckRock News
DEPT MR 70373
411A Highland Avenue
Somerville, MA 02144

Dear Mr. Topic:

On, March 11, 2019, you filed a Freedom of Information Act (FOIA) request seeking the following:

- Reports, studies, and other such records from January 1, 2017 to the date of search analyzing or discussing the amount of annual funding needed to improve compliance with the Freedom of Information Act.
- Emails, memos, and other such records in which FOIA staff have requested additional resources and the discussions of and responses to those requests.

Your request was received in the Office of the Secretary FOIA office on March 11, 2019, and assigned control number **OS-2019-00563**. Please cite this number in any future communications with our office regarding your request.

We have classified you as a representative of the news media. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs; you also are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See [43 C.F.R. § 2.39](#). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#).

Fee Waiver

You have asked for a waiver of all FOIA processing fees. Please be advised that we are in the

process of determining whether or not your entitlements are sufficient to enable us to process your request, or if we will need to issue a formal determination on your request for a fee waiver.

You can expect to hear from us promptly regarding the outcome of this search.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records electronically via email or CD-ROM as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to consult with one or more bureaus of the Department in order to properly process your request, the Office of the Secretary FOIA office is taking a 10-workday extension under [43 C.F.R. § 2.19](#). For the same reason, we are placing your request under the “Complex” processing track.

Expedited Processing

You have asked for expedited processing of your FOIA request. The Department’s FOIA regulations state that a bureau will provide expedited processing if a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester’s knowledge and belief. The two criteria are as follows:

- (1) Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- (2) There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information.

See [43 C.F.R § 2.20](#).

Your request does not contain enough evidence to support either of these criteria because failure to expedite the request could not reasonably be expected to pose an imminent threat and that there is not an urgency to inform the public about an actual or alleged government activity by a person primarily engaged in disseminating information. The requested information must be the type of information which has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story of general public interest. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news. [43 C.F.R § 2.20](#).

Your request for expedited processing therefore has been denied.

Appeals

You may appeal this decision to the Department's FOIA Appeals Officer. Your appeal must be filed as soon as possible. Your appeal must be in writing and addressed to:

Attn: FOIA Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the denial letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary's response was in error. An appeal concerning a denial of expedited processing should also demonstrate fully that there is a compelling need for the records. *See* 43 C.F.R. § 2.20. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL."

The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. Properly formatted appeals on decisions of expedited processing will be processed ahead of other appeals. *See* 43 C.F.R. § 2.20(g). For more information on FOIA Administrative Appeals, including how DOI will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer